

PROCLAMATION

BY THE

Governor of the State of Texas

No. 41-190

REPRODUCED FROM THE
HOLDINGS OF THE
TEXAS STATE ARCHIVES

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I am vetoing and filing with the Secretary of State House Bill No. 571, passed by the recently adjourned Regular Session of the Forty-ninth Legislature.

In Title 11 of our Penal Code, a number of offences are denounced as being against the public policy of this State. Chapter 6 of Title 11 contains numerous Articles denouncing gambling in its various forms. Among them is Article 619 which prescribes the penalty for keeping or exhibiting any gaming table, bank, wheel, or device, etc. for the purpose of gaming. The minimum penalty, upon conviction, is confinement in the penitentiary for not less than two years.

This bill reduces the minimum penalty to a fine of not less than \$50.00. The fine may be increased to not more than \$500.00 or the defendant may be confined in jail not less than 30 days nor more than 90 days or be confined in the penitentiary for any term not more than two years. The purpose of the reduction in penalty, as expressed in the emergency clause, is to make convictions easier to secure, it being stated that juries are not now willing to convict and assess punishment by confinement in the penitentiary for the first violations of the law.

My opinion is that those communities in which public sentiment is against gambling find it easy enough to enforce the present law.

The fear of a penitentiary conviction undoubtedly prevents the operation of gambling houses in a great many communities in this State. If the minimum punishment is reduced to a fine of \$50.00, it is conceivable that gambling houses would open in many communities with the knowledge that if detected, the operator would have a chance to discharge the penalty by the payment of a minimum fine of \$50.00. My opinion is that House Bill No. 571 does not strengthen the enforcement of our laws against gambling. On the contrary, there is the possibility mentioned

that it may tend to increase the operation of gambling houses and the keeping and exhibiting of the instruments of gaming denounced by Article 619.

House Bill No. 571 reached my office less than ten days before the end of the Regular Session of the Forty-ninth Legislature. In accordance with the Constitution, it is being filed with the Secretary of State together with this proclamation containing my objections to the bill.

IN TESTIMONY WHEREOF I have here-
unto signed my name officially and
caused the Seal of State to be
affixed hereto at Austin, this the
twenty-second day of June, A. D.,
1945.


GOVERNOR OF TEXAS

BY THE GOVERNOR:


SECRETARY OF STATE